

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

**JEREMY RASH, ANGHANA RASH, and
NICHOLAS RASH,**

Plaintiffs,

V.

**MEDINA VALLEY INDEPENDENT
SCHOOL DISTRICT, and LEE CRISP,**

Defendants.

CIVIL ACTION NO. SA-22-CA-1240-FB

**ORDER ACCEPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Before the Court is the Report and Recommendation of United States Magistrate (docket no. 28) recommending that Plaintiffs' case be dismissed for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b) and that Defendants' pending motion to dismiss (docket no. 2) be denied without prejudice. According to the CM/ECF docket sheet in this case, the certified mail sent to Plaintiffs was returned by the post office marked "Return to Sender," "Not deliverable as Addressed," "Unable to Forward." (Docket nos. 31 & 32.) No objections have been filed to date.¹ The Court also checked the electronic docket sheet to see if Plaintiffs filed a change of address notice, but no notice has been filed.

Because no party has objected to the Magistrate Judge's Report and Recommendation, the Court need not conduct a *de novo* review. See 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de

¹ Any party who desires to object to a Magistrate's findings and recommendations must serve and file written objections within fourteen days after being served with a copy of the findings and recommendation. 28 U.S.C. § 635(b)(1). If service upon a party is made by mailing a copy to the party's last known address, "service is complete upon mailing ." FED. R. CIV. P. 5(b)(2)(C). If service is made by electronic means, "service is complete upon transmission." *Id.* at (E).


novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). The Court has reviewed the Report and Recommendation and finds its reasoning to be neither clearly erroneous nor contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989).

IT IS THEREFORE ORDERED that the Report and Recommendation of United States Magistrate Judge (docket no. 28) is ACCEPTED pursuant to 28 U.S.C. § 636(b)(1) such that Plaintiff's case is DISMISSED WITHOUT PREJUDICE pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute and comply with Court orders and Defendants' Motion to Dismiss for Lack of Subject Matter Jurisdiction (docket no. 2) is DISMISSED WITHOUT PREJUDICE.

IT IS FINALLY ORDERED that remaining motions pending with the Court, if any, are Dismissed as Moot and this case is CLOSED.

It so ORDERED.

SIGNED this 11th day of August, 2023.



FRED BIERY
UNITED STATES DISTRICT JUDGE